

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA)
)
) Criminal No. 01-455-A
) Judge Leonie M. Brinkema
ZACARIAS MOUSSAOUI)

SPECIAL VERDICT FORM

Count One

I. STATUTORY AGGRAVATING FACTORS:

Instructions: Answer the following questions.

A. Do you unanimously find beyond a reasonable doubt that Zacarias
 Moussaoui, in committing the offense, knowingly created a grave
 risk of death to one or more persons in addition to the victims of the
 offense?

_____ PROVEN

_____ NOT PROVEN

B. Do you unanimously find beyond a reasonable doubt that Zacarias
 Moussaoui, committed the offense in an especially heinous, cruel,
 and depraved manner in that it involved torture and serious physical
 abuse of the victims?

_____ PROVEN

_____ NOT PROVEN

- C. Do you unanimously find beyond a reasonable doubt that Zacarias Moussaoui, committed the offense after substantial planning and premeditation to cause the death of a person and commit an act of terrorism?

_____ PROVEN

_____ NOT PROVEN

Instructions: If you answered “NOT PROVEN” to questions A, B, and C in this section, then stop your deliberations, cross out Section II and Section III, and proceed to Section V of this Form.

If you answered “PROVEN” to question A, or B, or C, then proceed to Section II.

II. NON-STATUTORY AGGRAVATING FACTORS:

Instructions: Answer the following questions:

- A. Do you unanimously find beyond a reasonable doubt that on or about February 23, 2001, defendant, Zacarias Moussaoui, a French citizen, entered the United States, where he then enjoyed the educational opportunities available in a free society, for the purpose of gaining specialized knowledge in flying an aircraft in order to kill as many American citizens as possible?

_____ PROVEN

_____ NOT PROVEN

- B. Do you unanimously find beyond a reasonable doubt that the actions of defendant, Zacarias Moussaoui, resulted in the deaths of approximately 3,000 people from more than 15 countries (the largest loss of life resulting from a criminal act in the history of the United States of America)?

_____ PROVEN

_____ NOT PROVEN

- C. Do you unanimously find beyond a reasonable doubt that the actions of defendant, Zacarias Moussaoui, resulted in serious physical and emotional injuries, including maiming, disfigurement, and permanent disability, to numerous victims who survived the offense?

_____ PROVEN

_____ NOT PROVEN

- D. Do you unanimously find beyond a reasonable doubt that as demonstrated by the victim' s personal characteristics as individual human beings and the impact of their deaths upon their families, and co-workers, the defendant, Zacarias Moussaoui, caused injury, harm, and loss to the victims, their families, their friends and co-

workers?

_____ PROVEN

_____ NOT PROVEN

- E. Do you unanimously find beyond a reasonable doubt that the actions of defendant, Zacarias Moussaoui, were intended to cause, and did in fact cause, tremendous disruption to the function of the City of New York and its economy as evinced by the following:
- a. The deaths of 343 members of the New York City Fire Department, including the majority of its upper management, and the loss of approximately 92 pieces of fire-fighting apparatus including fire engines, ladder companies, ambulances and other rescue vehicles;
 - b. The death of 37 Port Authority officers, the deaths of 38 Port Authority civilian employees, the destruction of the headquarters of the Port Authority, and the loss of approximately 114 Port Authority vehicles;
 - c. The deaths of 23 New York City police officers and the loss of numerous vehicles used by the New York City Police Department to fight crime;
 - d. The deaths of 3 New York state court officers;
 - e. The death of 1 Special Agent of the Federal Bureau of Investigation (FBI);

- f. The death of 1 Master Special Officer of the United States Secret Service, the destruction of the New York field office for the United States Secret Service, the loss of 184 vehicles used by the United States Secret Service, including 7 armored limousines, the loss of all of the weapons stored in the New York field office for the United States Secret Service, the destruction of communication equipment used by the New York field office for the United States Secret Service, and the destruction of evidence stored in the New York field office for the United States Secret Service, which was to be used in criminal prosecutions;
- g. The destruction of the United States Customs building, which housed all components of the United States Customs Service in New York City, the destruction of the laboratory utilized by the United States Customs Service in its northeast region, the loss of 50 vehicles used by the United States Customs Service to fight crime, the loss of the majority of the weapons stored in the New York field office for the United States Customs Service, the destruction of communication equipment used by the New York field office for United States Customs Service, the destruction of evidence stored in the New York field office for the United States Customs Service, which was to be used in criminal prosecutions.

- h. The destruction of the offices of the New York field division of the Bureau of Alcohol, Tobacco and Firearms (ATF), the loss of 15 vehicles used by the ATF to fight crime, the destruction of the regional firearms center used to examine all firearms collected as evidence by ATF as well as approximately 400 firearms which had been seized as evidence in criminal prosecutions, and the destruction of approximately 100 weapons used by ATF Special Agents to fight crime;
- I. The destruction of the offices of the New York field division of the Internal Revenue Service, the loss of 7 vehicles used by the Internal Revenue Service to fight crime, and the destruction of evidence stored in the New York field office of the Internal Revenue Service;
- j. The destruction of the offices of the New York field division of the Office of Inspector General (Office of Investigation) for the Department of Housing and Urban Development (HUD), the loss of 5 vehicles used by HUD, the destruction of approximately 46 weapons used by HUD to fight crime, and the destruction of evidence stored in the New York field office of HUD, which was to be used in criminal prosecutions;
- k. The destruction of the Office of Emergency Operations Center, which was designed to coordinate the response to large scale emergencies in the City of New York;

- l. The disruption of service on train and subway lines, including the E line, subway lines 1 and 9, and the Port Authority Trans-Hudson (PATH) lines;
- m. The closure of parks, playgrounds, and schools in lower Manhattan;
- n. The displacement of businesses located in the World Trade Center and the economic harm to each of the businesses;
- o. The disruption of telephone service in Manhattan;
- p. The destruction of approximately 12 million square feet of office space;
- q. Property loss costing several billion dollars;
- r. The temporary closure of the New York Stock Exchange (NYSE) and the New York Mercantile Exchange (NYMEX);
- s. The temporary closure of state and federal courthouses in Manhattan; and,
- t. The delay of the meeting of the United Nations General Assembly and a special meeting of the United Nations called to address UNICEF issues.

_____ PROVEN

_____ NOT PROVEN

- F. Do you unanimously find beyond a reasonable doubt that the actions of defendant, Zacarias Moussaoui, were intended to cause, and in

fact did cause, tremendous disruption to the function of the Pentagon as evinced by the following:

- a. The destruction of the Naval Command Center and the loss of the majority of its staff;
- b. The destruction of the Naval Intelligence Plot and the loss of the majority of its staff;
- c. The destruction of the Army Resource Management Center and the loss of the majority of its staff;
- d. The destruction of approximately 400,000 square feet and the damage of over 1 million square feet of office space;
- e. The destruction of a portion of the Pentagon, which had just been renovated at the cost of more than \$250 million; and,
- f. The destruction of computers, other technological equipment, furniture, and safes specifically designed for use by the Pentagon because of its unique role as the center of military operations for the United States of America.

_____ PROVEN

_____ NOT PROVEN

- G. Do you unanimously find beyond a reasonable doubt that the defendant, Zacarias Moussaoui, has demonstrated a lack of remorse for his criminal conduct?

_____ PROVEN

_____ NOT PROVEN

Instructions: Proceed to Section III.

III. MITIGATING FACTORS:

Instructions: For each of the following factors, indicate, in the space provided, the number of jurors who have found the existence of that mitigating factor to be proven by a preponderance of the evidence.

A finding with respect to a mitigating factor may be made by one or more of the members of the jury, and any member of the jury who finds the existence of a mitigating factor shall consider such a factor established in considering whether or not a sentence of death shall be imposed, regardless of the number of other jurors who agree that the factor has been established.

A.

Number of jurors who so find: _____

B.

Number of jurors who so find: _____

In the following extra space, you may write in any additional mitigating factor found by one or more jurors. If additional space is needed, please request additional paper.

Number of jurors who so find: _____

In the following extra space, you may write in any additional mitigating factor found by one or more jurors. If additional space is needed, please request additional paper.

Number of jurors who so find: _____

In the following extra space, you may write in any additional mitigating factor found by one or more jurors. If additional space is needed, please request additional paper.

Number of jurors who so find: _____

In the following extra space, you may write in any additional mitigating factor found by one or more jurors. If additional space is needed, please request

additional paper.

Number of jurors who so find: _____

Instructions: Proceed to Section IV.

IV. SENTENCING DETERMINATION FOR COUNT ONE:

A. Sentence of Death:

Based upon consideration of whether the Aggravating Factors unanimously found to exist beyond a reasonable doubt sufficiently outweigh any Mitigating Factor or Factors found to exist by a preponderance of the evidence, or in the absence of any Mitigating Factors, whether the Aggravating Factors are themselves sufficient to justify a sentence of death, we recommend, by a unanimous vote, that a sentence of death shall be imposed upon the defendant ZACARIAS MOUSSAOUI.

_____ YES

_____ NO

B. Sentence of Life Imprisonment Without the Possibility of Release:

We the jury do not unanimously find that a sentence of death shall be imposed on the defendant, ZACARIAS MOUSSAOUI.

_____ YES

_____ NO

Foreperson Juror Number

Date

Foreperson Signature

Instructions: Proceed to Section V.

V. CERTIFICATION:

By signing below, each juror certifies that any consideration of the race, color, religious beliefs, national origin, or sex of the defendant or any victim was not involved in reaching his or her individual decision, and that the individual juror would have made the same finding regardless of the race, color, religious beliefs, national origin, or sex of the defendant or any victim.

Foreperson

Date: _____, 2006

Count Three

I. STATUTORY AGGRAVATING FACTORS:

Instructions: Answer the following questions.

- A. Do you unanimously find beyond a reasonable doubt that Zacarias Moussaoui, in committing the offense, knowingly created a grave risk of death to one or more persons in addition to the victims of the offense?

_____ PROVEN

_____ NOT PROVEN

- B. Do you unanimously find beyond a reasonable doubt that Zacarias Moussaoui, committed the offense in an especially heinous, cruel, and depraved manner in that it involved torture and serious physical abuse of the victims?

_____ PROVEN

_____ NOT PROVEN

- C. Do you unanimously find beyond a reasonable doubt that Zacarias Moussaoui, committed the offense after substantial planning and premeditation to cause the death of a person and commit an act of terrorism?

_____ PROVEN

_____ NOT PROVEN

Instructions: If you answered “NOT PROVEN” to questions A, B, and C in this section, then stop your deliberations, cross out Section II and Section III, and proceed to Section V of this Form.

If you answered “PROVEN” to question A, or B, or C, then proceed to Section II.

II. NON-STATUTORY AGGRAVATING FACTORS:

Instructions: Answer the following questions:

- A. Do you unanimously find beyond a reasonable doubt that on or about February 23, 2001, defendant, Zacarias Moussaoui, a French citizen, entered the United States, where he then enjoyed the educational opportunities available in a free society, for the purpose of gaining specialized knowledge in flying an aircraft in order to kill as many American citizens as possible?

_____ PROVEN

_____ NOT PROVEN

- B. Do you unanimously find beyond a reasonable doubt that the actions of defendant, Zacarias Moussaoui, resulted in the deaths of approximately 3,000 people from more than 15 countries (the largest loss of life resulting from a criminal act in the history of the United

States of America)?

_____ PROVEN

_____ NOT PROVEN

- C. Do you unanimously find beyond a reasonable doubt that the actions of defendant, Zacarias Moussaoui, resulted in serious physical and emotional injuries, including maiming, disfigurement, and permanent disability, to numerous victims who survived the offense?

_____ PROVEN

_____ NOT PROVEN

- D. Do you unanimously find beyond a reasonable doubt that as demonstrated by the victim' s personal characteristics as individual human beings and the impact of their deaths upon their families, and co-workers, the defendant, Zacarias Moussaoui, caused injury, harm, and loss to the victims, their families, their friends and co-workers?

_____ PROVEN

_____ NOT PROVEN

- E. Do you unanimously find beyond a reasonable doubt that the actions of defendant, Zacarias Moussaoui, were intended to cause, and did in fact cause, tremendous disruption to the function of the City of

New York and its economy as evinced by the following:

- a. The deaths of 343 members of the New York City Fire Department, including the majority of its upper management, and the loss of approximately 92 pieces of fire-fighting apparatus including fire engines, ladder companies, ambulances and other rescue vehicles;
- b. The death of 37 Port Authority officers, the deaths of 38 Port Authority civilian employees, the destruction of the headquarters of the Port Authority, and the loss of approximately 114 Port Authority vehicles;
- c. The deaths of 23 New York City police officers and the loss of numerous vehicles used by the New York City Police Department to fight crime;
- d. The deaths of 3 New York state court officers;
- e. The death of 1 Special Agent of the Federal Bureau of Investigation (FBI);
- f. The death of 1 Master Special Officer of the United States Secret Service, the destruction of the New York field office for the United States Secret Service, the loss of 184 vehicles used by the United States Secret Service, including 7 armored limousines, the loss of all of the weapons stored in the New York field office for the United States Secret Service, the destruction of communication equipment used by the New

York field office for the United States Secret Service, and the destruction of evidence stored in the New York field office for the United States Secret Service, which was to be used in criminal prosecutions;

- g. The destruction of the United States Customs building, which housed all components of the United States Customs Service in New York City, the destruction of the laboratory utilized by the United States Customs Service in its northeast region, the loss of 50 vehicles used by the United States Customs Service to fight crime, the loss of the majority of the weapons stored in the New York field office for the United States Customs Service, the destruction of communication equipment used by the New York field office for United States Customs Service, the destruction of evidence stored in the New York field office for the United States Customs Service, which was to be used in criminal prosecutions.
- h. The destruction of the offices of the New York field division of the Bureau of Alcohol, Tobacco and Firearms (ATF), the loss of 15 vehicles used by the ATF to fight crime, the destruction of the regional firearms center used to examine all firearms collected as evidence by ATF as well as approximately 400 firearms which had been seized as evidence in criminal prosecutions, and th destruction of approximately

- 100 weapons used by ATF Special Agents to fight crime;
- i. The destruction of the offices of the New York field division of the Internal Revenue Service, the loss of 7 vehicles used by the Internal Revenue Service to fight crime, and the destruction of evidence stored in the New York field office of the Internal Revenue Service;
 - j. The destruction of the offices of the New York field division of the Office of Inspector General (Office of Investigation) for the Department of Housing and Urban Development (HUD), the loss of 5 vehicles used by HUD, the destruction of approximately 46 weapons used by HUD to fight crime, and the destruction of evidence stored in the New York field office of HUD, which was to be used in criminal prosecutions;
 - k. The destruction of the Office of Emergency Operations Center, which was designed to coordinate the response to large scale emergencies in the City of New York;
 - l. The disruption of service on train and subway lines, including the E line, subway lines 1 and 9, and the Port Authority Tans-Hudson (PATH) lines;
 - m. The closure of parks, playgrounds, and schools in lower Manhattan;
 - n. The displacement of businesses located in the World Trade Center and the economic harm to each of the businesses;

- o. The disruption of telephone service in Manhattan;
- p. The destruction of approximately 12 million square feet of office space;
- q. Property loss costing several billion dollars;
- r. The temporary closure of the New York Stock Exchange (NYSE) and the New York Mercantile Exchange (NYMEX);
- s. The temporary closure of state and federal courthouses in Manhattan; and,
- t. The delay of the meeting of the United Nations General Assembly and a special meeting of the United Nations called to address UNICEF issues.

_____PROVEN

_____NOT PROVEN

- F. Do you unanimously find beyond a reasonable doubt that the actions of defendant, Zacarias Moussaoui, were intended to cause, and in fact did cause, tremendous disruption to the function of the Pentagon as evinced by the following:
 - a. The destruction of the Naval Command Center and the loss of the majority of its staff;
 - b. The destruction of the Naval Intelligence Plot and the loss of the majority of its staff;
 - c. The destruction of the Army Resource Management Center

and the loss of the majority of its staff;

- d. The destruction of approximately 400,000 square feet and the damage of over 1 million square feet of office space;
- e. The destruction of a portion of the Pentagon, which had just been renovated at the cost of more than \$250 million; and,
- f. The destruction of computers, other technological equipment, furniture, and safes specifically designed for use by the Pentagon because of its unique role as the center of military operations for the United States of America.

_____ PROVEN

_____ NOT PROVEN

- G. Do you unanimously find beyond a reasonable doubt that the defendant, Zacarias Moussaoui, has demonstrated a lack of remorse for his criminal conduct?

_____ PROVEN

_____ NOT PROVEN

Instructions: Proceed to Section III.

III. MITIGATING FACTORS:

Instructions: For each of the following factors, indicated, in the space provided, the number of jurors who have found the existence of

that mitigating factor to be proven by a preponderance of the evidence.

A finding with respect to a mitigating factor may be made by one or more of the members of the jury, and any member of the jury who finds the existence of a mitigating factor shall consider such a factor established in considering whether or not a sentence of death shall be imposed, regardless of the number of other jurors who agree that the factor has been established.

A.

Number of jurors who so find: _____

B.

Number of jurors who so find: _____

In the following extra space, you may write in any additional mitigating factor found by one or more jurors. If additional space is needed, please request additional paper.

Number of jurors who so find: _____

In the following extra space, you may write in any additional mitigating

factor found by one or more jurors. If additional space is needed, please request additional paper.

Number of jurors who so find: _____

In the following extra space, you may write in any additional mitigating factor found by one or more jurors. If additional space is needed, please request additional paper.

Number of jurors who so find: _____

In the following extra space, you may write in any additional mitigating factor found by one or more jurors. If additional space is needed, please request additional paper.

Number of jurors who so find: _____

Instructions: Proceed to Section IV.

IV. SENTENCING DETERMINATION FOR COUNT THREE:

A. Sentence of Death:

Based upon consideration of whether the Aggravating Factors unanimously found to exist beyond a reasonable doubt sufficiently outweigh any Mitigating Factor or Factors found to exist by a preponderance of the evidence, or in the absence of any Mitigating Factors, whether the Aggravating Factors are themselves sufficient to justify a sentence of death, we recommend, by a unanimous vote, that a sentence of death shall be imposed upon the defendant ZACARIAS MOUSSAOUI.

_____ YES

_____ NO

B. Sentence of Life Imprisonment Without the Possibility of Release:

We the jury do not unanimously find that a sentence of death shall be imposed on the defendant, ZACARIAS MOUSSAOUI.

_____ YES

_____ NO

Foreperson Juror Number

Date

Foreperson Signature

Instructions: Proceed to Section V.

V. CERTIFICATION:

By signing below, each juror certifies that any consideration of the race, color, religious beliefs, national origin, or sex of the defendant or any victim was not involved in reaching his or her individual decision, and that the individual juror would have made the same finding regardless of the race, color, religious beliefs, national origin, or sex of the defendant or any victim.

Foreperson

Date: _____, 2006

Count Four

I. STATUTORY AGGRAVATING FACTORS:

Instructions: Answer the following questions.

- A. Do you unanimously find beyond a reasonable doubt that Zacarias Moussaoui, in committing the offense, knowingly created a grave risk of death to one or more persons in addition to the victims of the offense?

_____ PROVEN

_____ NOT PROVEN

- B. Do you unanimously find beyond a reasonable doubt that Zacarias Moussaoui, committed the offense in an especially heinous, cruel, and depraved manner in that it involved torture and serious physical abuse of the victims?

_____ PROVEN

_____ NOT PROVEN

- C. Do you unanimously find beyond a reasonable doubt that Zacarias Moussaoui, committed the offense after substantial planning and premeditation to cause the death of a person and commit an act of terrorism?

_____ PROVEN

_____ NOT PROVEN

Instructions: If you answered “NOT PROVEN” to questions A, B, and C in this section, then stop your deliberations, cross out Section II and Section III, and proceed to Section V of this Form.

If you answered “PROVEN” to question A, or B, or C, then proceed to Section II.

II. NON-STATUTORY AGGRAVATING FACTORS:

Instructions: Answer the following questions:

- A. Do you unanimously find beyond a reasonable doubt that on or about February 23, 2001, defendant, Zacarias Moussaoui, a French citizen, entered the United States, where he then enjoyed the educational opportunities available in a free society, for the purpose of gaining specialized knowledge in flying an aircraft in order to kill as many American citizens as possible?

_____ PROVEN

_____ NOT PROVEN

- B. Do you unanimously find beyond a reasonable doubt that the actions of defendant, Zacarias Moussaoui, resulted in the deaths of approximately 3,000 people from more than 15 countries (the largest loss of life resulting from a criminal act in the history of the United

States of America)?

_____ PROVEN

_____ NOT PROVEN

- C. Do you unanimously find beyond a reasonable doubt that the actions of defendant, Zacarias Moussaoui, resulted in serious physical and emotional injuries, including maiming, disfigurement, and permanent disability, to numerous victims who survived the offense?

_____ PROVEN

_____ NOT PROVEN

- D. Do you unanimously find beyond a reasonable doubt that as demonstrated by the victim' s personal characteristics as individual human beings and the impact of their deaths upon their families, and co-workers, the defendant, Zacarias Moussaoui, caused injury, harm, and loss to the victims, their families, their friends and co-workers?

_____ PROVEN

_____ NOT PROVEN

- E. Do you unanimously find beyond a reasonable doubt that the actions of defendant, Zacarias Moussaoui, were intended to cause, and did in fact cause, tremendous disruption to the function of the City of

New York and its economy as evinced by the following:

- a. The deaths of 343 members of the New York City Fire Department, including the majority of its upper management, and the loss of approximately 92 pieces of fire-fighting apparatus including fire engines, ladder companies, ambulances and other rescue vehicles;
- b. The death of 37 Port Authority officers, the deaths of 38 Port Authority civilian employees, the destruction of the headquarters of the Port Authority, and the loss of approximately 114 Port Authority vehicles;
- c. The deaths of 23 New York City police officers and the loss of numerous vehicles used by the New York City Police Department to fight crime;
- d. The deaths of 3 New York state court officers;
- e. The death of 1 Special Agent of the Federal Bureau of Investigation (FBI);
- f. The death of 1 Master Special Officer of the United States Secret Service, the destruction of the New York field office for the United States Secret Service, the loss of 184 vehicles used by the United States Secret Service, including 7 armored limousines, the loss of all of the weapons stored in the New York field office for the United States Secret Service, the destruction of communication equipment used by the New

York field office for the United States Secret Service, and the destruction of evidence stored in the New York field office for the United States Secret Service, which was to be used in criminal prosecutions;

- g. The destruction of the United States Customs building, which housed all components of the United States Customs Service in New York City, the destruction of the laboratory utilized by the United States Customs Service in its northeast region, the loss of 50 vehicles used by the United States Customs Service to fight crime, the loss of the majority of the weapons stored in the New York field office for the United States Customs Service, the destruction of communication equipment used by the New York field office for United States Customs Service, the destruction of evidence stored in the New York field office for the United States Customs Service, which was to be used in criminal prosecutions.
- h. The destruction of the offices of the New York field division of the Bureau of Alcohol, Tobacco and Firearms (ATF), the loss of 15 vehicles used by the ATF to fight crime, the destruction of the regional firearms center used to examine all firearms collected as evidence by ATF as well as approximately 400 firearms which had been seized as evidence in criminal prosecutions, and th destruction of approximately

- 100 weapons used by ATF Special Agents to fight crime;
- i. The destruction of the offices of the New York field division of the Internal Revenue Service, the loss of 7 vehicles used by the Internal Revenue Service to fight crime, and the destruction of evidence stored in the New York field office of the Internal Revenue Service;
 - j. The destruction of the offices of the New York field division of the Office of Inspector General (Office of Investigation) for the Department of Housing and Urban Development (HUD), the loss of 5 vehicles used by HUD, the destruction of approximately 46 weapons used by HUD to fight crime, and the destruction of evidence stored in the New York field office of HUD, which was to be used in criminal prosecutions;
 - k. The destruction of the Office of Emergency Operations Center, which was designed to coordinate the response to large scale emergencies in the City of New York;
 - l. The disruption of service on train and subway lines, including the E line, subway lines 1 and 9, and the Port Authority Tans-Hudson (PATH) lines;
 - m. The closure of parks, playgrounds, and schools in lower Manhattan;
 - n. The displacement of businesses located in the World Trade Center and the economic harm to each of the businesses;

- o. The disruption of telephone service in Manhattan;
- p. The destruction of approximately 12 million square feet of office space;
- q. Property loss costing several billion dollars;
- r. The temporary closure of the New York Stock Exchange (NYSE) and the New York Mercantile Exchange (NYMEX);
- s. The temporary closure of state and federal courthouses in Manhattan; and,
- t. The delay of the meeting of the United Nations General Assembly and a special meeting of the United Nations called to address UNICEF issues.

_____PROVEN

_____NOT PROVEN

- F. Do you unanimously find beyond a reasonable doubt that the actions of defendant, Zacarias Moussaoui, were intended to cause, and in fact did cause, tremendous disruption to the function of the Pentagon as evinced by the following:
 - a. The destruction of the Naval Command Center and the loss of the majority of its staff;
 - b. The destruction of the Naval Intelligence Plot and the loss of the majority of its staff;
 - c. The destruction of the Army Resource Management Center

and the loss of the majority of its staff;

- d. The destruction of approximately 400,000 square feet and the damage of over 1 million square feet of office space;
- e. The destruction of a portion of the Pentagon, which had just been renovated at the cost of more than \$250 million; and,
- f. The destruction of computers, other technological equipment, furniture, and safes specifically designed for use by the Pentagon because of its unique role as the center of military operations for the United States of America.

_____ PROVEN

_____ NOT PROVEN

- G. Do you unanimously find beyond a reasonable doubt that the defendant, Zacarias Moussaoui, has demonstrated a lack of remorse for his criminal conduct?

_____ PROVEN

_____ NOT PROVEN

Instructions: _____ Proceed to Section III.

III. MITIGATING FACTORS:

Instructions: For each of the following factors, indicated, in the space provided, the number of jurors who have found the existence of

that mitigating factor to be proven by a preponderance of the evidence.

A finding with respect to a mitigating factor may be made by one or more of the members of the jury, and any member of the jury who finds the existence of a mitigating factor shall consider such a factor established in considering whether or not a sentence of death shall be imposed, regardless of the number of other jurors who agree that the factor has been established.

A.

Number of jurors who so find: _____

B.

Number of jurors who so find: _____

In the following extra space, you may write in any additional mitigating factor found by one or more jurors. If additional space is needed, please request additional paper.

Number of jurors who so find: _____

In the following extra space, you may write in any additional mitigating

factor found by one or more jurors. If additional space is needed, please request additional paper.

Number of jurors who so find: _____

In the following extra space, you may write in any additional mitigating factor found by one or more jurors. If additional space is needed, please request additional paper.

Number of jurors who so find: _____

In the following extra space, you may write in any additional mitigating factor found by one or more jurors. If additional space is needed, please request additional paper.

Number of jurors who so find: _____

Instructions: Proceed to Section IV.

IV. SENTENCING DETERMINATION FOR COUNT FOUR:

A. Sentence of Death:

Based upon consideration of whether the Aggravating Factors unanimously found to exist beyond a reasonable doubt sufficiently outweigh any Mitigating Factor or Factors found to exist by a preponderance of the evidence, or in the absence of any Mitigating Factors, whether the Aggravating Factors are themselves sufficient to justify a sentence of death, we recommend, by a unanimous vote, that a sentence of death shall be imposed upon the defendant ZACARIAS MOUSSAOUI.

_____ YES

_____ NO

B. Sentence of Life Imprisonment Without the Possibility of Release:

We the jury do not unanimously find that a sentence of death shall be imposed on the defendant, ZACARIAS MOUSSAOUI.

_____ YES

_____ NO

Foreperson Juror Number

Date

Foreperson Signature

Instructions: Proceed to Section V.

V. CERTIFICATION:

By signing below, each juror certifies that any consideration of the race, color, religious beliefs, national origin, or sex of the defendant or any victim was not involved in reaching his or her individual decision, and that the individual juror would have made the same finding regardless of the race, color, religious beliefs, national origin, or sex of the defendant or any victim.

Foreperson

Date: _____, 2006

